

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
)  
Open Network Architecture Tariffs )  
of Bell Operating Companies )  
)

CC Docket No. 92-91

**AMERITECH'S OPPOSITION TO MCI'S PETITION FOR RECONSIDERATION**

The Ameritech Operating Companies (Ameritech),<sup>1</sup> pursuant to § 1.106 of the Federal Communication Commission's (Commission) Rules, 47 C.F.R. § 1.106, oppose the Petition for Reconsideration (PFR) filed by MCI Telecommunications Corp. (MCI) of the Commission's Order issued December 15, 1993 in the above captioned matter.<sup>2</sup> In the PFR, MCI attempts one last time to challenge Bell operating companies' (BOC) Open Network Architecture (ONA) rates. MCI raises the same issues it has raised numerous times in the past which the Commission has already rejected. The Commission should reject these claims again.

In its PFR, MCI claims that it did not have an adequate opportunity to participate in the Commission's investigation of the BOCs' ONA tariffs. Specifically, MCI claims that the Commission's inadequate disclosure of the SCIS cost model resulted in MCI's inability to properly review and challenge the filed rates. Consequently, MCI claims that the Commission has violated the Communications Act and the Administrative Procedures Act.

<sup>1</sup> The Ameritech Operating Companies are: Illinois Bell Telephone Company, Indiana Bell Telephone Co., Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

<sup>2</sup> Open Network Architecture Tariffs of Bell Operating Companies, CC Dkt. No. 92-91, FCC 93-532, 8 FCC Rcd. (released December 15, 1993) (Order).

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Despite these claims, MCI has been granted substantial opportunity to review and comment on both the methodology used by the BOCs for determining their ONA rates and the ONA rates themselves. In fact, in its opposition to the BOCs' ONA rates, MCI raised numerous questions regarding the BOCs' ONA rates. In this regard, MCI argued that the substantial differences between the BOCs' ONA rates indicated that the rates were unjustified, and several questions about the type of information which was inputted into the SCIS model, such as whether the information was recent or one to two years old, whether the information properly represented the mix of each BOCs' switches, whether the information should reflect the embedded or prospective cost of the switches, as well as the cost of money used in the formula.<sup>3</sup> MCI also commented on other aspects of the ONA rates unrelated to the use of the SCIS model. For example, MCI questioned different BOCs' administrative overheads and variances between BOCs' BSE rates and their unit costs. Based on those comments, MCI clearly had sufficient knowledge to actively participate in the investigation of the ONA tariffed rates.

In reality, this PFR is an attempt to once again raise the issue of the use of the SCIS model as part of ONA ratemaking -- an issue which the Commission and the courts have addressed *ad nauseam*. MCI's actual complaint -- which it raises once again in a PFR of the Commission's recent order on SCIS disclosure -- is that the Redaction II version of the SCIS model was inadequate.<sup>4</sup> However, the SCIS model was properly found to be a trade secret and exempt from public disclosure under the Freedom of Information Act, which is a part of the

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<sup>3</sup> See e.g., Order at ¶ 11 note 21; ¶ 15 note 29; and ¶ 31.

<sup>4</sup> See MCI's Petition For Reconsideration, filed January 14, 1994, of Commission Requirements for Cost Support Material to be Filed with Open Network Architecture Access Tariffs, FCC 93-531, 8 FCC Rcd. (released December 15, 1993) (SCIS Disclosure Order).

Administrative Procedures Act.<sup>5</sup> 5 U.S.C. § 552. Under these circumstances, the Commission provided more than sufficient access to the SCIS model through establishing procedures to examine the redacted versions of the SCIS model and perform sensitivity analyses. Moreover, the Commission provided for an independent audit of the SCIS model by Arthur Andersen, which filed a report and responded to specific inquiries by the Commission and intervenors.

Based on the foregoing, the Commission has provided adequate reasoning and justification for its treatment of the SCIS model and its findings on the BOCs' ONA tariffed rates. Consequently, the Commission has not violated either the Communications Act or the APA by allowing the BOCs to use the SCIS model as a part of its overall rate development for ONA tariffed rates. Therefore, MCI's Petition should be denied.

Respectfully submitted,

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<sup>5</sup> SCIS Disclosure Order at ¶ 2-3.

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